

REMARKS

Entry of the Amendment and reconsideration of the claims is requested.

This paper is submitted in response to the Restriction Requirement mailed July 7, 2005, and is timely submitted, August 7, 2005 being a Sunday.

Claims 32-37 are pending in the application. Claim 32 has been amended to delete reference to SEQ ID. NO: 61, without prejudice or disclaimer. No new matter is added by the amendments. The Applicants reserve the right to pursue the deleted subject matter in a divisional application.

Restriction

The Examiner is requiring Restriction to one of three alleged inventions:

Group I: claims 32-37, comprising SEQ ID NO:59, classified in class 435 and subclasses 69.1 and 325;

Group II: claims 32-37, comprising SEQ ID NO:60, classified in class 435 and subclasses 69.1 and 325; and

Group III: claims 32-37, comprising SEQ ID NO:61, classified in class 435 and subclasses 69.1 and 325.

Without acquiescing to the statements made in the Restriction Requirement, Applicants hereby elect the claims of Group II (claims 32-37, comprising SEQ ID NO: 60) with traverse for prosecution in the instant application.

Applicants submit it would not be unduly burdensome to search the subject matter of Group I and Group II. Applicants submit the Examiner has not established an undue burden in searching the subject matter of Group I, claims 32-37. Applicants note that Group I, claims 32-37, are classified by the Examiner in the same class and subclass as the subject matter of Group II, claims 32-37. In cases where the classification and the field of search is the same, and where there is no clear indication of separate future classification and field of search, "no reasons exist for dividing among related inventions." *MPEP 808.02*.

Applicants also note the Examiner has required the election of one of three prorelaxin amino acid sequences (SEQ ID NOS: 59, 60, and 61) that are encoded by a first nucleic acid, as recited in the claims. The Commissioner has stated, however, that examination of a reasonable number of nucleotide sequences (normally 10 sequences) in a single application does not pose an undue burden on the Patent Office, even when the sequences encode structurally distinct

proteins. *MPEP 803.04*. The Applicants respectfully submit, therefore, that examination of a first nucleic acid encoding the two prorelaxin amino acid sequences recited by the amended claims does not pose an undue burden on the Patent Office.

Moreover, Applicants submit a search of host cells and/or methods comprising a human prorelaxin sequence is likely to include references concerning methods and host cells using other prorelaxin sequences. Applicants note that both precursor sequences are processed to an A and B chain which are linked by disulfide bonds and the A chain has an intrachain disulfide bond.

Therefore, Applicants request withdrawal of the restriction requirement with respect to the subject matter of Groups I and II.

SUMMARY

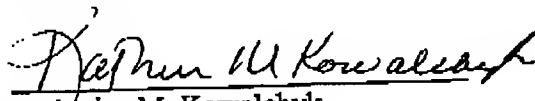
Applicants submit the claims are in condition for allowance and notification to that effect is earnestly solicited. The examiner is requested to contact Applicants' representative if prosecution may be assisted.

Respectfully submitted,



MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: August 8, 2005


Katherine M. Kowalchyk
Reg. No. 36,848